



**STRATEGY
RESEARCH
PROJECT**

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SERVING TWO MASTERS

BY

LIEUTENANT COLONEL JOHN R. MINAHAN
United States Army

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LIEUTENANT COLONEL JOHN R. MINAHAN
United States Army

Professor Marybeth Ulrich
Project Advisor

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U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

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ABSTRACT

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This paper will provide a conceptual framework and guide for military officers to help them in their congressional liaison responsibilities. It is not unusual for military officers to not agree with portions of the President's budget as submitted to Congress. How should military officers address their concerns with Congress and still maintain loyalty to the administration? There appears to be a void of agreed upon norms or standards to assist military officers fulfill their obligations to both the administration and Congress, and at the same time sustain strong civil-military relationships.

The lack of formal training and agreed upon norms leaves military officers much latitude interpreting their obligations. Certain costs to civil-military relations are incurred when military leaders contest portions of the President's budget before Congress. These costs can damage the relationships between military and administration leaders. Military leaders can keep these costs low if they skillfully balance their obligations between the executive and legislative branches.

The paper will look at historical precedents, Constitutional guidance, and current budget obligations to assess the current guidelines. Assuming these current guidelines are insufficient, the paper will propose a conceptual framework to assist military officers effectively balance their obligations between the two branches. An analysis of the Joint Chiefs testimony in 1998 before the Senate Armed Services Committee will highlight aspects of the conceptual framework.

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SERVING TWO MASTERS

"The relationship between Congress and the Presidency wrote Arthur J. Schlesinger, Jr. has been one of the abiding mysteries of the American system of government."¹

THE CHALLENGE.

In the years to come, the fight for military funding will become more challenging. Mandatory entitlements, rising health care costs, inflation, and political pressure to keep taxes low will limit growth in defense funding. At the same time, military requirements have and will continue to increase especially as the war on terrorism continues. Competition among the military services for funding to meet these increasing requirements will increase as pressure to limit defense spending will continue as well.

Congress will play a critical role in deciding funding between competing programs. No major program can be sustained without the support of Congress.² There is no doubt that military services must work to improve their liaison efforts with Congress to advance their programs. Surveys of senior military leaders already observe that military leaders are becoming increasingly politically adept.³ Steven Scroggs, a retired Army officer who spent several years as a congressional liaison officer, encourages this idea in his book, Army Relations With Congress. Scroggs goes as far to recommend "that Army general officers should spend more time on the Hill in proactively developing relations with Members and staff than they do in reactively addressing Member or Army concerns."⁴ Scroggs believes that the Army's interests go hand-in-hand with the national security interests and should be presented to Congress as such so that they are in balance with the other Services.⁵

While it is important that the military services ensure that Congress has a full and clear picture of their programs, they must be careful not to become too overzealous or ambitious in their dealings with Congress. Some commentators are already quite critical of the military's congressional activities. A prominent civil-military relations scholar, Richard Kohn, claims that the military services go so far to play the executive and legislative branches against each other to achieve their budget objectives.⁶

As the military political activities increase, so does the potential for great danger. In his classic work, The Soldier and the State, Samuel Huntington notes that one of the cherished hallmarks of civil-military relations in the United States is that military officers are politically neutral.⁷ The temptation for the military services to take political sides in order to obtain support for a particular military program can be great. As military officers become more

politically savvy and proactive, partisanship is likely to result. Furthermore, the military's congressional efforts may also jeopardize the military's position with the administration. As the military becomes more congressionally active and unilaterally conducts liaison activities, the chance for miscues and discord with the administration only increases.

An example of one program that will require much congressional liaison is the Army transformation program. This program is an important Army requirement that will require substantial funds in the years to come. The Army's approach with Congress will play an important role in gaining funds. The transformation has been spearheaded by General Erik Shinseki and largely driven by Army senior leaders and considered by many to be vital to the Army's relevance and ability to remain an equal partner with the other Services. Currently, the program enjoys support from the civilian leadership including the Secretary of Defense and the Secretary of the Army.

In the years to come, however, support from the civilian leadership for Army transformation may not continue. Other competing demands, either in DoD or with domestic requirements may require other bill-payers. Civilian leaders in the Defense Department could decide to cut the Army transformation program to support these other requirements. Army military leaders need to decide how they should respond to congressional inquiries in light of the potential for non-support. For example, should the Army continue to seek congressional funding despite the administration's non-support, or should they remain silent and support their civilian leaders' decisions?

The choice that Army leaders might have to make is not an unusual one and happens often when military leaders and civilian leaders disagree on funding allocations. Military leaders must balance two competing obligations. First, they are obligated to follow the orders and decisions of their civilian leaders. This means supporting budget decisions unfavorable as they may seem to the military service. Second, military leaders are also obligated to ensure their service is best prepared to support national security. These two obligations may not always be in agreement. The obligation that takes priority is not always clear.

Civilian control of the military is shared between the executive and legislative branches. Military officers must be responsive to both branches in supporting the democratically elected government. This becomes challenging when each branch does not agree on how best to apply resources. Both, the executive and legislative branches will want the military to support their views and programs.

Unfortunately, there are no specific guidelines or rules on how military officers should balance their obligations between the executive and legislative branches in the resource/budget

process. Samuel Huntington provides much of what is written on this issue, but he mostly uses historical anecdotes about how military officers have handled disputes with the administration regarding dealings with Congress. He concludes only that this is a difficult problem and is to be expected. The only guidance Huntington provides is that, "the maintenance of this behavior requires the mutual restraint and cohesive cooperation of the military man, legislature and executive."⁸ Certainly this is good advice and practiced by some of our greater public servants. Although, this becomes a problem if one of the parties does not practice restraint resulting in increased civil-military friction.

President Bush's recent firing of Michael Parker, the former Assistant Secretary of Army for Civil Works, might set a new precedent on executive-legislative relationships. "President Bush ousted him ... for publicly questioning the administration's proposed 10 percent budget cut for the Corps. Parker had asked for a 40 percent increase."⁹ Although, not a military officer, Parker's firing shows the risks that executive branch officials incur in advancing their own professional viewpoints ahead of the administration's. It may be too early to assess the implications of Parker's firing, but the degree of caution has probably increased among administrative officials in their congressional activities.

Military officers receive little formal education on civil-military relations. It is not until the Senior Service College that most officers first have the opportunity for formal course work on the subject. Even at that, most of the courses on civil-military relations and on Congress are offered only as electives. Formal training for military officers assigned to congressional liaison offices is little to none. Most of their training is on the job. This is disconcerting since these officers play a critical role in the military services' communications with Congress. It is important that they understand their bosses' obligations towards the administration and Congress in the budget process.

This paper will provide a conceptual framework and guide for military officers to help them in their congressional liaison responsibilities. It is not unusual for military officers to not agree with portions of the President's budget as submitted to Congress. How should military officers address their concerns with Congress and still maintain loyalty to the administration? There appears to be a void of agreed upon norms or standards to assist military officers fulfill their obligations to both the administration and Congress, and at the same time sustain strong civil-military relationships.

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the relationships between military and administration leaders. Military leaders can keep these costs low if they skillfully balance their obligations between the executive and legislative branches.

The paper will look at historical precedents, Constitutional guidance, and current budget obligations to assess the current guidelines. Assuming these current guidelines are insufficient, the paper will propose a conceptual framework to assist military officers effectively balance their obligations between the two branches. An analysis of the Joint Chiefs' testimony in 1998 before the Senate Armed Services Committee will highlight aspects of the conceptual framework.

HISTORICAL PRECEDENTS.

Prior to World War II, Congress paid little attention to military policy or the budget process with only a few exceptions.¹⁰ Administrative officials and military leaders would not comment on the President's budget once it was submitted to Congress. "The military chiefs in dealing with Congress, particularly with respect to the military budget, did not present their own independent professional estimates of military needs, but instead loyally supported the recommendations of the President."¹¹

General Douglas MacArthur was one of the first military officers in the 20th Century to publicly testify against the President's budget. In 1933, General MacArthur, personally argued with President Roosevelt over the Administration's proposal to cut the Army budget by 50 percent. FDR denied MacArthur's request and told him to take his argument to the Bureau of the Budget.¹² MacArthur, not to be outdone, took his request to Congress. "Appearing before the Senate Subcommittee on Appropriations in 1935, ... the general told the Senators that Congress alone had the Constitutional authority to raise and support armies. MacArthur pointed out the apparent illegality of charging the President's budget office with determining the size of the Army. He then summed up his presentation saying that Congress had abdicated its sworn duty under the basic law of the land."¹³

Congress agreed with MacArthur's position and for the next three years consistently raised the Army's budget overriding the President requests.¹⁴ It was fortunate for the Army that Congress overrode the President's request in that the Army was better prepared for World War II. This could have been considered a shortterm victory for MacArthur. Years later, his criticism of the President's policy in a letter to a Congressman would ultimately lead to his dismissal from command by President Truman during the Korean War. There is a distinction between criticizing the President's budget before Congress as a military expert and criticizing

the President's policies as a commander in the field. In Korea, MacArthur was a commander in the field and disobeyed a Presidential order. Military leaders have much more latitude in disputing Presidential policies before Congress in their obligation to provide military expertise.

At the other end of the congressional relations spectrum, there is General George C. Marshall who certainly practiced more restraint than MacArthur. General Marshall worked for General John J. Pershing for many years in Washington. Pershing had a great influence on Marshall's career. Marshall later commented, "I saw General Pershing in the position when his views didn't count at all. ... but the cuts, and cuts and cuts came despite what he felt. The main reason for this was that he had no opportunity to give public expression without being in a position of disloyalty. Of course he never would have done that."¹⁵

General Marshall played a very active role with Congress in obtaining funds for the World War II military build-up. Although, noted for his candor and objectiveness with Congress, Marshall practiced great restraint when his position differed from the President. "In the course of the war he had disagreed with the President on several policies but he had concluded that the Chief Executive had several irons in the fire while he, as Chief of Staff, had only one. He had been embarrassed at times in testifying before congressional committees because of differences of opinion. I honestly thought it was ruinous (to the country) for me to come out in opposition to my Commander in Chief."¹⁶

Marshall's restraint was remarkable and he kept silent on administrative policies that could have had disastrous consequences on the war effort. Marshall by supporting the President's domestic agenda, was forced to limit the Army to 89 divisions, way below the Army's required projection of 215 divisions. Many of the men who did not fill these divisions stayed back in industrial jobs producing consumer products.¹⁷ According to Russell Weigley, "this number (of divisions) was so small that once an American division was committed to combat, it was in the fight to stay until the end of the war ... even the hard-pressed Germans were able to rotate and rest their divisions."¹⁸ Despite the military need for more divisions, Marshall subordinated his perspective to the competing domestic perspective that FDR felt more important.

Historical precedents provide limited value in guiding military officers in balancing their obligations between the administration and Congress. Historical accounts vary greatly from military officers exhibiting a high degree of restraint in dealings with Congress, to military officers conducting aggressive lobbying of Congress. MacArthur had a great deal of latitude in criticizing the administration in his role as a military expert. MacArthur's defiance is contrasted with George Marshall's almost blind loyalty to the President's policies despite his reservations. Historical cases provide many varied examples and certainly provide conflicting precedents.

CONSTITUTIONAL GUIDANCE

Military officers take an oath to defend the Constitution of the United States. The Constitution makes the military accountable to both the executive and legislative branches. Consequently, the military has obligations in supporting its responsibilities to both branches.

Richard Kohn states that, "it (the Constitution) authorizes the institutions created for national security, the structure in which those people and institutions and their people operate, the process by which these institutions interact with each other, and the overall manner in which the nation is expected to prepare for, enter into, conduct and end its military conflicts."¹⁹ Despite Kohn's assurances, the Constitution leaves much room for interpretation in defining the military's obligations to both branches in budget preparation.

Framers of the Constitution were very concerned about standing armies and their exclusive control by one person or political group. "As they worked to empower the new government and make it more efficient in waging war, the framers continually wrestled with a far more delicate and dangerous dilemma: how to ensure that the set of institutions they were permitting would not pose a threat to the security of the country."²⁰ To counter this concern, they distributed control over the military among the three government branches. Our constitutional system provides a shared responsibility for national defense. "James Madison explained that the Constitution created not a system of separate institutions performing separate functions, but separate institutions that share functions so that these departments be so far connected and blended as to give each a political control of the other".²¹

The Constitution directs the President to serve as Commander in Chief of the Armed Forces.²² As such, military officers are obligated to follow the orders of the President and his representatives. The obedience of orders is fairly clear. As long as the order is legal, moral and ethical, the officer is obligated to follow the order. At the highest level of the military, senior military officers quite often work directly for civilians appointed by the President and they are expected to follow the orders of the civilian administration officials.

The President's commander-in-chief responsibilities have expanded over the last two centuries. In the early years, Congress allowed the executive branch to take the lead in many areas. The executive branch has taken the initiative in the development of the national security strategy, budget and program formulation, and the issuance of policy and procedures for the military forces.

The Constitution grants Congress major responsibility as well. "Congress was given the power to raise and support Armies, to provide and maintain a navy, and to make rules for the government and regulation of the armed services."²³ The military cannot function without the

support of Congress. Consequently, Congress requires dialogue and information from the executive branch on how best to apply these resources.

Because of the branches' shared responsibilities, military officers must interact with both. The administration, in support of the commander-in-chief, initiates and develops military programs, while Congress ultimately approves and funds these programs. The military plays a large role in the development of these programs, and in conjunction with the administration, in the preparation of the President's Budget. Once the budget is submitted to Congress, the military provides its professional military opinion on the budget in testimony and private discussions.

The Constitution places the legislative and executive branches on equal footing which leaves much room for interpretation in conducting business between the two branches. There is no clear standard. According to Huntington, "A lesser measure of civilian control and lower standards of military professionalism are the continuing price the American people will have to pay for their Constitutional system."²⁴ Huntington feels that these split responsibilities give the military too much latitude in taking sides to further its parochial interests.

The patterns of interaction have developed over time. Some of this development has occurred due to the practical necessity of joint cooperation between the branches. However, this cooperation becomes more complicated when political rivalries exist between the two branches. "The normal tensions that arise in a system of separate institutions sharing power has been exacerbated by the contemporary pattern of split party control of the two branches ... Under these circumstances substantive differences and partisan rivalries are routinely escalated into institutional warfare and members of the executive and legislative branches have an even greater interests in protecting and expanding their institutional powers."²⁵ This political competition makes it much more difficult for cooperation. This power struggle places the military in an awkward position and at times both branches attempt to use the military for their own political advantage.

The Constitution's broad framework leaves open for interpretation the military's responsibilities to both branches. It's clear the military is required to support both branches in the execution of its duties, but the extent of these responsibilities is not well defined. By placing both branches as equals, the Constitution allows each branch to interpret its own responsibilities. This provides limited value in helping military leaders walk the fine line between their two masters.

BUDGET OBLIGATIONS.

In the budget process, military officers have obligations to both the executive and legislative branches. These obligations are critical to both branches in meeting their responsibilities in the defense budget process.

The executive branch is responsible for submitting a budget to Congress. This responsibility became formalized under the Budget Act of 1921. "Neither branch prior to the act, could be said to have exercised financial control. The legislation remained faithful to constitutional principles by making the President responsible for the budget estimates and giving Congress final control over appropriated levels."²⁶ The executive branch's expertise and larger staffs makes it better suited to prepare the budget than Congress.

The executive branch provides a recommended defense budget as part of the President's budget each year. The military's obligations in the preparation of the defense budget are immense. These obligations are spelled out in the Planning, Program, Budget Execution System (PPBES).

The first phase of PPBES is the planning phase. "PPBS planning examines the military posture of the United States in comparison with national security objectives and resource limitations. It develops the National Military Strategy and it identifies force levels to achieve the strategy."²⁷ The Joint Staff, a military staff that works directly for the Chairman of the Joint Chief of Staff, prepares the National Military Strategy (NMS).²⁸ The NMS is developed predominantly by military officers, which makes practical sense. The proper application of the military instrument of power requires a high degree of military expertise.

Reliance on military expertise has probably increased over the years since military experience among civilian administration officials has been on the decline. This trend was seen in the Clinton administration. "The White House Office of Public Liaison revealed that for men age 39 to 59 in the Clinton administration, roughly 18 percent were military veterans. This compares with just over 40 percent of men in the same age group in the general population."²⁹

"The Chairman of the Joints Chiefs of Staff (CJCS) approves and issues the NMS. The strategy advises the SecDef, and after the SecDef review, the President and NSC on the strategic direction of the armed forces."³⁰ The NMS is one of the principal documents used in the preparation of the Defense Planning Guidance (DPG) by the Under Secretary of Defense (Comptroller). The DPG is the final product of the PPBES planning phase and has a tremendous impact on the follow-on program and budget process as it identifies the programs and priorities that the military services are to consider.³¹

There have been many defense experts that complained that the budget is not tied to strategy. To counter these critics, in 1986, military reformers in the Congress passed the Goldwater-Nichols Act which attempted to strengthen the connection between strategy and budget. The intent of the law was to provide the Chairman of the Joint Chiefs of Staff greater powers to influence programming and budget.³² Since 1986, the connection between strategy and budget continues to improve.

General Colin Powell took advantage of the powers that Goldwater-Nichols gave to the CJCS "He believed that as a result of Goldwater-Nichols reform, it was his responsibility as Chairman to initiate a change in strategy."³³ In the early 1990's, Gen Powell spearheaded efforts to develop a strategy that accounted for the changes in the post-cold war environment. At that time, there was much political pressure to reduce the military's budget and apply a peace dividend for domestic programs and tax reductions. Many in the military agreed to force structure reductions, but felt they should be gradual so as not to break the force.³⁴ General Powell developed a strategy that called for a force structure that could simultaneously fight two major regional conflicts.

Powell's strategy played a tremendous role in shaping the Bush and Clinton's administration budgets. Powell believed the military had to propose a strategy for the post cold war era that called for gradual and orderly reductions or Congress and OMB would make reductions on their terms.³⁵ Powell convinced the President and the Secretary of Defense on his concept and force structure proposals that resulted in program and budget guidance that were also supported by Congress.³⁶

General Powell, as the CJCS with new enhanced powers, demonstrated the ability of the chairman to obtain agreement from all the military chiefs on a common strategy and force structure. The discussion and disagreements were conducted at the Pentagon and not before Congress. Therefore, the military provided more of a unified position before Congress than they had in the past. This unified front discouraged parochial service positions on the budget.

Military officers serve in many of the Department of Defense staffs that have responsibilities for programming. The program phase documents could not be assembled without the expertise and work provided by military officers. Goldwater-Nichols strengthened the military's participation in the program process by calling for the military to have principal responsibilities in programming. This intent was provided in the Congressional Conference report on Goldwater-Nichols. The report states that, "each service should have a military staff. This staff should continue to conduct the functions for which effective military point of view is invaluable. Key functions for military staffs include ... requirements and programs"³⁷ The

program phase of PPBES converts strategic direction from the planning phase listed in the DPG and turns them into, "comprehensive allocation of forces, manpower and funds."³⁸ The program phase takes requirements identified in the planning phase and prioritizes them in realistic programs that are fiscally supportable.

The majority of the personnel that prepare the military service programs are military. The program phase has tremendous impact on the final budget. The initial prioritization and arraignment of potential resources are done in this phase. Retired Army Colonel Bill Lord, a noted PPBES expert, claims that changes made to the final DoD budget from the program phase are minimal and account for about a 3-5 percent difference.³⁹

Once the President's budget is submitted to Congress, the executive's responsibility does not end there. For many in the executive branch, the budget work begins in earnest in defending the budget through the Congressional cycle. In the budget phase of PPBES, senior military leaders defend the President's budget and provide their views as military experts. The administration's civilian leaders need the military to persuade Congress.⁴⁰ This becomes particularly important as military experience among political appointees declines in the Department of the Defense.

Congress has ceded to the executive the initiative in submitting a budget. However, it reserved the right to oversee and to approve, reject, or amend the budget as it sees fit.⁴¹ Thus, Congress has played a larger role in national security over the last 50 years. Power over military policy and budget continues to shift between the two branches as one side attempts to gain advantage over the other.⁴² Congress wants to ensure the President does not dominate national policy and administration.⁴³

The Constitution does not specifically give Congress the power to investigate, though Congress has assumed investigative powers in order to properly carry out the responsibilities required by the Constitution. Congress has enjoyed these powers over the last two centuries and for the most part they have been defended by the Supreme Court.⁴⁴ Congress uses a variety of methods to obtain information through hearings and investigations.⁴⁵ Consequently, Congress requires information on the budget submission to make informed choices and it frequently calls military officers to testify and provide their opinion as military experts on the budget.

Congress will probably continue to rely more heavily on the military's expertise as military experience in Congress continues to decline.⁴⁶ The military support also provides Congress a political advantage in defending their pet projects. It is important to note that the defense budget has represented approximately 50 percent of the Federal budget's discretionary

programs in almost every year since 1962. It is the largest discretionary program through which congressional members can gain money for their districts.⁴⁷ Patricia Schroeder once said, "if you want anything for your district the only place there is any money at all is the [defense authorization] bill."⁴⁸ Consequently, the defense budget always generated huge interest on Capitol Hill and members of Congress will work very hard politically to gain support for programs that benefit their districts.

PPBES provides strong guidelines on the military's responsibilities in the budget process up until the time the President's budget is submitted to Congress. Military leaders have significant influence over the development of the President's budget in the planning and program phases. This power to control the first steps in the budget process gives the military tremendous influence in the shape and direction of the final budget. After the President's budget is submitted the military's obligations become less defined. The administration expects the military to support the budget as submitted to Congress. Congress expects military leaders to provide their objective military opinions on the budget irregardless of their loyalties to the administration.

CONCEPTUAL FRAMEWORK.

Military leaders need clearer guidelines or standards to help them balance their obligations between the executive and legislative branches. History provides little assistance because there are conflicting historical precedents. Constitutional guidelines provide the military much latitude as well in interpreting its roles. The current budget process defines clear guidance on the military leader responsibilities prior to the President's budget submission to Congress. The military's role becomes less well defined once the President's budget is submitted to Congress.

The military has obligations to both branches of government. Inevitably, these obligations will come in conflict from time to time. Military and administration leaders will have different perspectives on budget priorities. Military leaders will normally focus exclusively on military perspectives in the best way to serve national security. Whereas, civilians tend to have a wider perspective that will include domestic budget pressures, political considerations and many other agendas.

It is not unusual for the military to have common interests on certain programs that are supported by some members of Congress. For various reasons, the administration may not support some of these programs. The temptations are great for military leaders to seek congressional relief.

The short term benefits of supporting a program must be weighed against the long term benefit of maintaining strong relations with the administration. When military leaders publicly disagree with the administration before Congress, there is a cost to pay. These disagreements can hurt military-civilian relationships. There are some actions that military leaders can take to minimize these costs

A conceptual framework is provided for military leaders to consider while fulfilling their responsibilities in serving both branches. The intent of this framework is to provide suggested guidelines that will help meet their obligations to both branches and minimize damage to civil-military relationships.

Restraint/Finesse. Huntington advocates restraint in working with Congress and the administration on the budget.⁴⁹ This approach advocates that the initiative to question or disagree with the President's budget rests with Congress. The military has the initiative to debate the administration during the PPBES process, prior to the budget's submission to Congress. The military must exercise caution and prudence during the Congressional budget cycle. The inquiries and requests for information or military opinions should be requested and initiated by Congress. The military should not initiate visits or meetings over these issues. The requests for meetings or visits to discuss controversial budget issues should come from Congress.

A retired four star general commented that a certain finesse was required in dealing with Congress. He said that it was his duty to defend the President's budget, but also to provide his personal opinion. He recommended to comment on individual programs only if asked, and not to make broad comments on the overall budget. He said that when a Congressman asked if he could use more money on an individual program that it was acceptable to say yes.⁵⁰

Certainly members of Congress want to make budget decisions on what is best for the Nation. However, competing demands from their constituents and political parties may align their budget priorities differently from the administration's. Members of Congress may seek military leaders to counter the administration's position while supporting their own interests. Military leaders should avoid aligning themselves with those congressional members who seek this political advantage.

Ensure differences are well conveyed and understood. Military leaders should ensure their positions are clearly understood by their civilian leaders. The military leaders have an obligation to provide Congress with their objective views on the President's budget. The administration should be well aware of the military leaders' perspectives before they are shared

with Congress. Dissenting views and objections are best provided prior to the submission of the President's budget to Congress.

At times, the military viewpoint will differ from the administration's. This should come as no surprise as the military considers the budget from mostly military perspective whereas the administration has to consider many other competing perspectives. If the military and administration leaders understand each other's perspectives this reduces the chances of surprises or misunderstood intentions during the congressional budget cycle.

Marybeth Ulrich, an Army War College Professor, notes, "policy advocacy has its place within the bounded limits of collaborative policy-making process, but advocacy actions counter to the civilian leadership's known preferences may begin to usurp the civilian leader's distinct responsibilities."⁵¹ The PPBES process is an excellent tool to ensure the military perspective stays within bounds of the collaborative policy-making process and is formally considered by the administration.

Once the President's Budget is submitted, Congress has about six months to conduct hearings and committee work before producing a spending bill. Ultimately, military officers will get called upon to provide formal testimony before a committee hearing or provide information in an informal setting. Any congressional inquiries or information exchanges between military officers and Congress on controversial issues should be reported back to the administration. Relationships will be less damaged if military leaders rather than members of Congress report these exchanges to their civilian leaders. Reporting back to the administration, despite differences, reduces perceptions that military leaders are not loyal members of the team.

One Voice. Military leaders should limit the number of spokesmen to provide their positions in situations that differ from the administration's on specific programs. The military service chiefs, as the senior ranking service representatives, should be the ones to carry the message as much as possible. The urge to send multitudes of briefing teams and arrange general officer visits should be avoided.

Speaking with one voice prevents miscues and reduces confusion. This ensures that the military position is a consistent, clear and measured response. It prevents misinterpretation by congressional leaders and the administration as well. Some congressional members will use conflicting messages to their advantage to support their programs

Because of Goldwater-Nichols, the CJCS and Joint Staff have become more prominent players in the budget process. This greatly helps the military speak with one voice. Goldwater-Nichols has empowered the CJCS to seek consensus among Service Chiefs. General Powell's avocation of his Base Force concept was one of the first times that the Chairman could place

direct pressure on all the Service Chiefs. The joint procedures and processes that have developed since Goldwater-Nichols encourage more of the military service rivalries to be played out before the Joint Staff and not before Congress. The improvement in joint service cooperation will help improve Service teamwork and decrease military service parochialism.

Bi-partisan Approach. Military leaders should respond to Congress in bi-partisan forums. A bi-partisan approach reduces the perception that the military is taking sides and enhances its political neutrality. Congressional hearings provide a bi-partisan format in that both parties are represented. In meetings and visits, especially for highly contentious issues, the military should seek bi-partisan representation. At times it may not be always be practical to have bi-partisan representation at meetings. This should be expected as some congressional members do not always want members from the other party present.

Military leaders should build relationships with members of Congress from both parties. Visits on the Hill, and invitations should be evenly spread across both parties. There may be a tendency to favor the majority party members because of their committee control. This favoritism would be unwise because there have been many shifts of party control in both houses over the last twenty years. Furthermore, several senior minority members continue to exhibit strong influence over committee business.

Risk Management. Risk management is an approach that presents the military's perspective in a more objective and non-emotional manner. Essentially, military leaders' views on the budget are an estimate of risk on the choices and priorities established by the administration. Because of constrained resources, not all requirements can be funded. Priorities have to be established and tough decisions have to be made allocating resources. Military leaders are often asked by Congress to comment on the implications of programs that do not get funded. Their commentary on the choices is essentially an assessment of risks to national security.

The Secretary of Defense's recent Quadrennial Defense Review (QDR) Report gave the CJCS one chapter to comment on the QDR. The CJCS devoted a part of his comments to risk. Although, the Chairman provided little specifics on risks associated with the QDR there is an opportunity to expand the risk discussions in future documents.⁵² In this formal setting, the CJCS was able to express his difference of opinion on the QDR proposal and relate it to risk. This approach is more subtle and indirect and conveys the CJCS comments as a professional assessment as opposed to a dissenting viewpoint.

This risk assessment could also be applied to the President's budget as well. The risk assessment could be a document included in budget submission. This techniques would allow

the senior military chiefs to publicly document their concerns. This maintains a professional and objective tact and allows the Secretary of Defense to review and discuss before its release so there are no surprises. The risk and divergence of opinion is provided in an objective fashion and minimizes the emotion and personality factor that may later enter the testimony process.

A MATTER OF READINESS – CASE ANALYSIS.

A review of a Senate Armed Services Committee hearing in the fall of 1998 provides an excellent example of several aspects of the proceeding conceptual framework. By following the framework, the military service chiefs were able to minimize damage to their relations with the administration and at the same time provided objective and honest assessments to Congress.

In the fall of 1998, Republican leaders realized that the military was not satisfied with the readiness funding levels requested in the President's budget. The upcoming budget approved by the President and the four military congressional committees was not adequate to meet readiness requirements. Neither the President nor congressional leaders wanted to increase the budget because it would break the budget cap to which both sides had agreed. Both sides did not want to publicly break the cap limit and threaten the proposed tax cut.⁵³

"To help make the case for the emergency defense appropriations and perhaps embarrass the Democratic Administration as well, the Republican majority of the Senate Armed Services Committee scheduled an open, televised hearing for September 29, 1998 where the Joint Chiefs of Staff would be pushed into telling the nation that Clinton's defense budget was too small."⁵⁴ The hearing was prompted by the publication of a letter written by General David Bramlet, a major Army field commander, who stated he needed \$150 million to meet his readiness requirements.⁵⁵

At the hearing, each of the military service chiefs outlined the major budget shortages they faced. Senator John McCain expressed his displeasure and commented, "I must say that this is an Orwellian experience for me to have you here today as opposed to your appearance last February when you came before this committee and gave a dramatically different view of the readiness and requirements that the military needs to maintain our capabilities."⁵⁶ Senator McCain criticized the chiefs "because of his perception their lack of candor in their February testimony, and inferred that they were not being honest by only stating the administration's budget rather than their real needs."⁵⁷

In the previous February, the chiefs testified that their budgets were adequate. The administration had used their testimony to squelch congressional Republicans who were saying the budget was inadequate.⁵⁸ Now in September, the military chiefs were stating the budget

was inadequate. Some may have criticized the chiefs for not taking steps that could have avoided this hearing altogether. The objective of this analysis is not to discuss if this hearing could have been avoided, but analyze what happened and how the chiefs handled a difficult situation.

Restraint. In a public hearing, the service chiefs were lambasted by Congress for not expressing their budget concerns at the February hearing. Many of the senators questioned the chiefs' integrity and forthrightness by complaining about the request for more money in September then in the previous February. Each of the military chiefs did not directly respond to the criticism in their defense. More importantly, they did not blame the administration. Despite accusations by several senators, the chiefs claimed that their need for more funds was due to high pace operations within the last few months.⁵⁹ In this regard, the chiefs practiced a great deal of restraint and accepted the criticism instead of blaming the President.

Ensure differences are well conveyed and understood. The chiefs met with President Clinton two weeks prior at Ft McNair and provided their concerns on readiness and the need to increase the budget. President Clinton agreed with the chiefs' request and encouraged them to provide Congress the same reasoning.⁶⁰ In this way, the chiefs gave the administration early warning of their intentions and views. The administration was not surprised by the chiefs' hearing statements and had time to prepare politically for congressional attacks. In this way, the military leaders prevented the perception that they were working unilaterally with Congress and developed a team approach with the administration.

One Voice. The service chiefs did an exceptional job in speaking with one voice so there were no conflicting messages that the senators could have exploited for political advantage. "They (the military chiefs) compared notes before the Senate hearing to make sure they did not contradict each other. ... They could explain away the inconsistencies by declaring that ever-changing and unforeseen circumstances make it impossible to predict their services' future money needs with precision."⁶¹

The military could have been faulted with its failure to speak with one voice prior to the hearing. Congress already knew the military chiefs were not satisfied with funding levels for readiness. Congressman Spence claimed that several military officers came by his office and complained about readiness.⁶² The many visits by military officer complaining about readiness funding and the public letter from General Bramlet provided the opening that Congress needed to call a public hearing.

Risks. During the hearing, both General Dennis Reimer and General Henry Shelton spoke about the risk in balancing near term readiness requirements with long term

modernization requirements. General Reimer stated that the Army shifted risk from its modernization accounts to near term readiness.⁶³ General Shelton describes risk as "the likelihood of failing to accomplish the theater strategic objectives in a prompt and decisive manner that meets the planned schedule for the phases of conflict."⁶⁴ The discussion of risk showed that prudent decision making was accomplished in prioritizing and making tough choices among many requirements in a constrained resource environment. Both generals used risk analysis in explaining their decision making.

Case Summary. This case provides an excellent application of guidelines applied by the military chiefs in minimizing damage to civil-military relations. The Joint Chiefs were placed in a difficult situation. The chiefs, to their credit, did not blame the administration or the President. They absorbed much of the congressional criticism during the hearing. The military chiefs were given more funds to fix readiness with a supplemental appropriation and at the same time did not damage their relationship with their civilian leaders.

CONCLUSION.

The military has obligations in serving both the executive and legislative branches in the budget process. Historical precedents and Constitutional responsibilities provide limited guidance for military leaders in guiding them in their obligations to both branches.

It is not unusual for military and civilian leaders to disagree over budget priorities. Once the President's budget is submitted, the military in support of the President has an obligation to support the budget before Congress. Although, as military experts, these leaders have an obligation to provide an objective and candor assessment of the budget. A certain cost is incurred when a military leader expresses displeasure with the administration's budget before Congress. This cost is the damage done to the relationships between military and administration leaders. The extent of such costs will depend on how skillfully the military leaders express their concerns. If not done well, the costs can have a significant impact on civil-military relations.

This paper provided a conceptual framework to assist military leaders in balancing their obligations between the Congress and the administration. The intent of the framework is to help move towards more defined norms or standards in guiding military leaders fulfill their obligations to both branches. The guidelines provided in the conceptual framework will assist military leaders provide their objective assessments to Congress and at the same time maintain their loyalty to the administration. The military chiefs' testimony before the Senate Armed Services

Committee in September of 1998, provides an excellent case to better understand aspects of the conceptual framework.

Administration and military officials should consider budget disagreements as the curve in the road and not the end of the road. Both groups of leaders should not allow these disagreements to jeopardize their relationships. Military leaders should realize that the long term advantages of strong civil-military relationships outweigh the short term advantages of prevailing over civilians on a particular policy issue. This realization will be the key to the military leaders successfully meeting their obligations to the executive and legislative branches.

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ENDNOTES

¹ Roger H. Davidson and Walter J. Oleszek, Congress and Its Members, 8th Edition, (Washington, D.C.: Congressional Quarterly Press, 2002), 317.

² Ibid., 408.

³ Ole R. Holsti, "Of Chasms and Convergences: Attitudes and Beliefs of Civilians and Military Elites at the Start of a New Millennium," in Soldiers and Civilians, (Cambridge, MA: MIT Press, 2001), 97.

⁴ Stephen K. Scroggs, Army Relations With Congress, (Westport, CT: Prager, 2000), 226.

⁵ Ibid., 223-224.

⁶ Richard H. Kohn, "Out of Control, The Crisis in Civil-Military Relations," The National Interest (Spring 1994): 7.

⁷ Samuel P. Huntington, The Soldier and the State, (Cambridge, MA: Belknap Press, 1957), 71.

⁸ Ibid., 417.

⁹ Michael Grunwald, "Army Corps Battle Enters Key Phase," The Washington Post, 10 March 2002, sec. A, p. 4.

¹⁰ Huntington, The Soldier and the State, 400.

¹¹ Ibid., 413-414.

¹² Rod Paschall, "The Constitution and the U.S. Army: The Congress," in The Constitution and the U.S. Army (Carlisle Barracks, PA: U.S. Army War College and U.S. Army War Military Institute, 1988), 100.

¹³ Ibid., 101.

¹⁴ Ibid., 101.

¹⁵ Huntington, The Soldier and the State, 414.

¹⁶ Forrest C. Pogue, "Marshall on Civil-Military Relationships," in The United States Military Under the Constitution of the United States, 1789-1989 (New York, NY: New York University Press, 1991), 218.

¹⁷ Russell Weigley, "The Principles of Civilian Control," The Journal of Military History, (October 1993): 51.

¹⁸ Ibid., 51.

¹⁹ Kohn, Richard, H., "The Constitution and National Security," in The United States Military Under the Constitution of the United States, 1789-1989 (New York, NY: New York University Press, 1991), 63.

²⁰ Ibid., 81.

²¹ Roger H. Davidson and Walter J. Oleszek, Congress and Its Members, 8th Edition, 20.

²² Thomas, E. Mann, A Question of Balance, (Washington, D.C.: The Brookings Institute, 1990), 5.

²³ Ibid., 4.

²⁴ Huntington, The Soldier and State, 192.

²⁵ Mann, A Question of Balance, 2.

²⁶ Louis Fisher Constitutional Conflicts (Lawrence, Kansas : University Press of Kansas, 1991), 188.

²⁷ Edward J. Filberti, ed., How the Army Runs, A Senior Leader Reference Handbook, 2001-2002, (Pittsburgh, PA: Government Printing Office, 2001), chapter 9, p. 30.

²⁸ Ibid., chapter 9, p. 30

²⁹ Eitelberg, Mark, J. and Roger D. Little, Influential Elites and the American Military after the Cold War," U.S. Civil-Military Relations, In Crisis or Transition, (Washington, D.C., The Center for Strategic& International Studies, 1995, p. 48

³⁰ Edward J. Filberti, ed., How the Army Runs, A Senior Leader Reference Handbook, 2001-2002, chapter 9, p. 34.

³¹ Ibid., chapter 9, p. 36.

³² Thomas, Davis, "Changing the Pentagon's Planning and Programming and Budgeting System," Business Executives for National Security, 2000, available from <<http://www.bens.org/images/PPBS2000.pdf>>; internet; accessed 7 April 2002.

³³ Lorna S. Jaffe, The Development of the Base Force, 1989-1992, (Washington, D.C.: Office of the Chairman of the Joint Chiefs of Staff, 1993), 13.

³⁴ I base this concept based on my experience working in the Office of the Chief of Staff of the Army's office in the late 80's and early 90's in developing approaches to convince Congress on the Army's position in support of General Powell's Base Force concept.

³⁵ Jaffe, The Development of the Base Force, 1989-1992, 19.

³⁶ Ibid., 50.

³⁷ U.S. Congress House Conference Report, Goldwater-Nichols Department of the Defense Reorganization Act, 99th Cong., 2d sess., 12 September 1986, 151.

³⁸ Edward J. Filberti, ed., How the Army Runs, A Senior Leader Reference Handbook, 2001-2002, chapter 9, p. 43.

³⁹ Harold W. Lord, W, U.S. Army War College Instructor, interview by author, 13 March 2002, Carlisle, PA..

⁴⁰ George Wilson, C., This War Really Matters, (CQ Press, Washington, D.C. 2001), p. 5-6.

⁴¹ Arthur Mass, Congress and the Common Good, (New York, NY: Basic Books, Inc. Publishers, 1983), 13.

⁴² Roger H. Davidson and Walter J. Oleszek , Congress and Its Members, 8th Edition, 318.

⁴³ Arthur Mass, Congress and the Common Good, 172.

⁴⁴ Louis Fisher Constitutional Conflicts, 153.

⁴⁵ Roger H. Davidson and Walter J. Oleszek , Congress and Its Members, 8th Edition,, 336-337.

⁴⁶ Eitelberg, Mark, J. and Roger D. Little, Influential Elites and the American Military after the Cold War," in U.S. Civil-Military Relations In Crisis or Transition (Washington, D.C.:The Center for Strategic & International Studies, 1995), 54.

⁴⁷ U.S. Congress, Congressional Budget Office, "The Budget and Economic Outlook: Fiscal Years 2003-2012, Table 7" 31 January 2002; available from <<http://www.cbo.gov/showdoc.cfm?index=1821&sequence+0&frm=7>>; Internet; accessed 5 April 2002.

⁴⁸ Roger H. Davidson and Walter J. Oleszek , Congress and Its Members, 6th Edition, (Washington, D.C.: Congressional Quarterly Press, 1998), 378.

⁴⁹ Huntington, The Soldier and the State, 417.

⁵⁰ The idea in this paragraph is based on remarks made by a retired four star general during the Strategic Crisis Exercise on March 13, 2002 at Carlisle Barracks, PA.

⁵¹ Marybeth P. Ulrich, "Infusing Civil-Military Relations in the Officer Corps," in The Future of the Army Profession, (New York, NY: McGraw Hill, 2002), 255.

⁵² Donald J. Rumsfeld, Quadrennial Defense Review Report, (Washington, D.C.: United States Department of Defense, 30 September 2001), 70.

⁵³ George Wilson, C., This War Really Matters, 87-88.

⁵⁴ Ibid., 89-90.

⁵⁵ "Joint Chiefs Testify Before the Senate Armed Services Committee," The Officer (Nov 1988): 28.

1998, p. 17 (30799 words) [database on-line]; available from Lexis-Nexis, Congressional Universe; accessed 1 April 2002.

⁵⁷ "Joint Chiefs Testify Before the Senate Armed Services Committee," The Officer (Nov 1988), 28.

⁵⁸ "The Readiness Dust-Up," The Washington Post, 4 Oct 1998, sec. C, p. 6

⁵⁹ George Wilson, C., This War Really Matters, 96-97.

⁶⁰ *Ibid.*, 135.

⁶¹ *Ibid.*, 94.

⁶² *Ibid.*, 84.

⁶³ U.S. Congress, Senate. Armed Services Committee, "Status of U.S. Military Forces: Hearing before the Senate Armed Services Committee," 105th Cong., 2d sess., 29 September, 1998, p. 5 (30799 words) [database on-line]; available from Lexis-Nexis, Congressional Universe; accessed 1 April 2002.

⁶⁴ U.S. Congress, Senate. Armed Services Committee, "Status of U.S. Military Forces: Hearing before the Senate Armed Services Committee," 105th Cong., 2d sess., 29 September, 1998, p. 9 (30799 words) [database on-line]; available from Lexis-Nexis, Congressional Universe; accessed 1 April 2002.

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